IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 682/2006

SHANKAR LAL Vs. STATE OF RAJASTHAN & ANR.

Date: 03.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Rajesh Sharma for the petitioner.
Mr. Jainendra Jain, Public Prosecutor for the State.
Mr. Anurag Sharma for the respondent No.2.

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This revision petition is directed against the impugned order dated 21.06.2006 passed by the Additional Sessions Judge, Shahpura, District Jaipur, by which the order of the trial Court dated 03.01.2006 has been modified as under:-

> "यदि वाहन को शंकरलाल को ही पुन: दिया जाना उचित समझा जावे उस स्थिति में शेष रहे ऋण की अदायगी के संबंध में आवश्यक शर्तें अधिरोपित करते हुए आदेश पारित करें। यह भी स्पष्ट किया जाता है कि आदेश लिखते समय पक्षकारान द्वारा प्रसतुत किसी भी तर्क या इस न्यायालय द्वारा किये गये किसी भी सम्प्रेषण से प्रभावित हुए बिना अधिनस्थ न्यायालय मामले के तथ्य एवं परिस्थितियों के अनुसार आदेश पारित करने के लिए स्वतंत्र होगे। पत्रावली आदेश की नकल के साथ अधिनस्थ न्यायालय को प्रेषित कर दी जावे। पक्षकारान अपर मुख्य न्यायिक मजिस्ट्रेट शाहपुरा के समक्ष दिनांक 23-6-06 को उपस्थित हों।

The trial Court vide its order dated 03.01.2006 has ordered to handover the vehicle in question to the petitioner subject to condition that he will not sale and dispose of the vehicle in question. The Additional Sessions Judge, Shahpura while considering the order passed by the trial Court dated 03.01.2006, has directed as quoted herein above. This is in consonance of the ratio decided by the Hon'ble Supreme Court in the case of ***Orix Auto Finance (India) Ltd. Vs. Jagmander Singh And Another, dated 10.02.2006, reported in (2006) 2 SCC 598.***

Upon perusal of the relevant record, impugned order and the judgment rendered by the Hon'ble Supreme Court in the aforementioned case, I find no illegality in the order impugned dated 21.06.2006 passed by the Additional Sessions Judge, Shahpura, District Jaipur, which is under challenge in this revision petition. No interference whatsoever is required by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

/KKC/